

# Order

Michigan Supreme Court  
Lansing, Michigan

December 21, 2011

Robert P. Young, Jr.,  
Chief Justice

144036 & (51)

Michael F. Cavanagh  
Marilyn Kelly  
Stephen J. Markman  
Diane M. Hathaway  
Mary Beth Kelly  
Brian K. Zahra,  
Justices

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellant,

v

SC: 144036  
COA: 302181  
Washtenaw CC: 10-001573-AR

TERRY NUNLEY,  
Defendant-Appellee,

and

ATTORNEY GENERAL,  
Intervenor.

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On order of the Court, the Attorney General's motion to enlarge the record on appeal is GRANTED. The application for leave to appeal the October 13, 2011 judgment of the Court of Appeals is considered, and it is GRANTED. The parties shall address whether the Court of Appeals erred when it held that the Department of State certificate of mailing is testimonial in nature and thus that its admission, without accompanying witness testimony, would violate the Confrontation Clause. See *Crawford v Washington*, 541 US 36; 124 S Ct 1354; 158 L Ed 2d 177 (2004); *Melendez-Diaz v Massachusetts*, 557 US \_\_; 129 S Ct 2527; 174 L Ed 2d 314 (2009); and *Bullcoming v New Mexico*, 564 US \_\_; 131 S Ct 2705; 180 L Ed 2d 610 (2011).

The Criminal Defense Attorneys of Michigan and the Prosecuting Attorneys Association of Michigan are invited to file briefs amicus curiae. Other persons or groups interested in the determination of the issues presented in this case may move the Court for permission to file briefs amicus curiae.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

December 21, 2011

*Corbin R. Davis*

Clerk